

LINGEL H. WINTERS, ESQ. (SBN 37759)
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GIRARDI & KEESE
THOMAS V. GIRARDI (SBN 36603)
1126 Wilshire Blvd.
Los Angeles, CA 90017-1904
Telephone (213) 977-0211

Attorneys for Plaintiff and the Putative Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE TFT-LCD (FLAT
PANEL) ANTITRUST LITIGATION

EMW, Inc. v. LG Philips LCD CO., LTD et al.
Case No. C-07-2796 SI

THIS DOCUMENT RELATES TO
ALL INDIRECT PURCHASER ACTIONS

MDL No. M:07-cv-01827 SI

Case No. 07-cv-2796 SI

CLASS ACTION

**DECLARATION OF LINGEL H.
WINTERS IN SUPPORT OF MOTION TO
APPOINT INTERIM CLASS COUNSEL
FOR THE CALIFORNIA INDIRECT
PURCHASERS SUBGROUP**

Date: July 10, 2007
Time: 10:00 a.m.

Hon. Susan Illston
Courtroom: 10

1 I, Lingel H. Winters, declare as follows:

- 2
- 3 1. I am an attorney duly licensed to practice law by the State of California and admitted to
- 4 practice before this Court. I am principal and owner of the law firm of Lingel H. Winters
- 5 P.C. and my firm along with my co-counsel Thomas V. Girardi of the law firm of Girardi
- 6 & Keese serve as attorney of record for plaintiff EMW, Inc. The matters set forth herein
- 7 are within my personal knowledge, and if called upon and sworn as a witness I could
- 8 competently testify regarding them. I make this declaration pursuant to 28 U.S.C. sec.
- 9 1746.
- 10 2. On April 17, 2007, the Panel on Multi-District Litigation transferred MDL Docket No.
- 11 1827 *In Re TFT-LCD (Flat Panel) Antitrust Litigation* to the Northern District of
- 12 California and assigned to the Honorable Susan Y. Illston. In its order, the MDL Panel
- 13 stated: "We conclude that the Northern District of California is an appropriate transferee
- 14 forum in this docket because over 50 of the actions of which the Panel has been notified
- 15 have been brought in that district..."
- 16
- 17 3. On May 30, 2007 Lingel H. Winters P.C. filed the related case of *EMW, Inc. on behalf of*
- 18 *itself and all others similarly situated v. LG. Philips LCD CO., LTD et al.* Case No. C-
- 19 07-2796 SI in the Northern District of California alleging conspiracies to restrain trade in
- 20 the market for TFT-LCD products.
- 21
- 22 4. On June 7, 2007 Lingel H. Winters P.C. filed an Administrative Motion to Consider
- 23 Whether Cases Should Be Related.
- 24
- 25 5. On June 18, 2007, reviewed the National Geographic Atlas of the World Revised Sixth
- 26 Edition (1996), which contains population data for each of the States of the United States
- 27 and found and calculated a combined population for the Repealer States of 58,041,000
- 28 persons for the States of Alabama, Arizona, District of Columbia, Iowa, Kansas, Maine,
- Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, North Carolina,

1 North Dakota, South Dakota, Tennessee, Vermont, West Virginia, and Wisconsin.

2 By contrast, said reference book stated that the population of the State of California was
3
4 31,431,000 persons.

5
6 6. On June 19, 2007, Thomas V. Girardi, Esq. of Girardi & Keese agreed to join Lingel H.
7 Winters P.C. as co-counsel representing EMW, Inc. and the putative class of California
8 Indirect Purchasers of TFT-LCD.

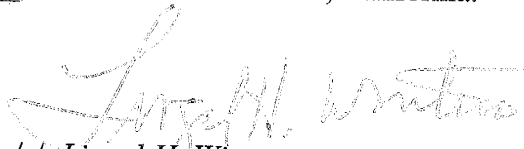
9 7. Lingel H. Winters P.C. was a member of the Executive Committee in *In Re Microsoft*
10 J.C.C.P. No. 4106, 143 Cal. App. 4th 706 which resulted in a settlement for California
11 indirect Purchasers valued at \$1.1 Billion, 2/3 of the unclaimed portions of which were
12 set aside for underprivileged California schools.

13
14 8. Attached hereto As Exhibit A is a true and correct copy of [Proposed] Case Management
15 Order No. 1

16 9. Attached hereto as Exhibit B is a true and correct copy of the firm resume of Girardi &
17 Keese.

18
19 10. Attached hereto as Exhibit C is a true and correct copy of the firm resume of Lingel H.
20 Winters P.C.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed June 21, 2007 in San Francisco, California.

23
24 
25 /s/ Lingel H. Winters

26
27 Lingel H. Winters
28

EXHIBIT A

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7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 IN RE TFT-LCD (FLAT PANEL)
12 ANTITRUST LITIGATION

Master File No. C07-1827 SI

13
14 THIS DOCUMENT RELATES TO

No. C-07-2796 SI

15 *EMW, Inc. v. LG Philips LCD Co., Ltd. et*
16 *al.*

Case No. C-07-2796 SI and

[PROPOSED] ORDER APPOINTING
INTERIM CLASS COUNSEL FOR THE
CALIFORNIA INDIRECT PURCHASERS
SUBGROUP

17 ALL INDIRECT PURCHASER
18 ACTIONS
19
20

21
22
23 Plaintiff EMW, Inc.'s Motion To appoint Interim Class Counsel For the California Indirect
24 Purchasers Subgroup came on for hearing on July 10, 2007 before the Honorable Susan Illston.
25 Lingel H. Winters, Esq. and Thomas V. Girardi, Esq. appeared in behalf of plaintiff and the
26 putative class of indirect purchasers. After reviewing the papers filed and hearing argument by
27 all parties: the court hereby enters the following order:
28

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT

Plaintiff EMW's Motion To Appoint Interim Class Counsel For the California Indirect Purchasers Subgroup is GRANTED and the law firms of Girardi & Keese per Thomas V. Girardi, Esq. and Lingel H. Winters P.C. are appointed interim class counsel for the California Indirect Purchasers Subgroup and putative class.

Dated: July ___, 2007

Honorable Susan Illston
UNITED STATES DISTRICT COURT

EXHIBIT B

G K

**GIRARDI KEESE
LAWYERS**

THOMAS V. GIRARDI

Partner: Girardi & Keese
1126 Wilshire Boulevard
Los Angeles, CA 90017-1904
(213) 977-0211 Facsimile: (213) 481-1554

1965 to present.

Education

B.S., Loyola University, 1961
LLB, Loyola Law School, 1964
LLM, New York University, 1965

Nature of Practice

The law firm specializes in trial work. The areas of specialty include product liability, business litigation, professional litigation and toxic torts.

Professional Honors

Vice-Chair of the Toxic Torts & Environmental Law General Committee of the
American Bar Association

Member of the Beverly Hills Bar Association's Order of Distinguished Attorneys, 2007

Member of the Chancery Club, 2006

Board Member of the National Judicial College, 2006

Appointed by Chief Justice Ronald M. George to the Judicial Council of California,
September 2005

Loyola Law School "Champion of Justice" Award, 2005

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THOMAS V. GIRARDI

Page 2 of 4

Lawdragon's 2005 list of leading lawyers "The leading trial lawyer in America today-in court and behind the scenes"

Super Lawyer's 2005 conducted a survey of 65,000 lawyers to determine the finest in California. Thomas Girardi was the highest vote-getter.

Consumer Attorneys Association of Los Angeles, 2004 Ted Horn Memorial Award

The California State Bar, "Trial Lawyer Hall of Fame" award, 2003.

The Los Angeles Business Journal's "Most Powerful Attorneys" honor, 2002.

Loyola University Outstanding Professional Achievement Award, 1992.

Los Angeles Trial Lawyers, "Trial Lawyer of the Year" award, 1995-1996.

The Lawyers for Public Justice, "Trial Lawyer of the Year" award, 1996.

The American Board of Trial Advocates, "Cal-ABOTA Trial Lawyer of the Year" award, 1996.

Loyola Law School, "Distinguished Alumnus Award, 1997".

Professional Organizations

The International Academy of Trial Lawyers, elected fellow 1978.
Board of Directors for 6 years. President in 2005.

The Inner Circles of Advocates.

The American Board of Trial Advocates, 1999 National President

The American Board of Professional Liability Lawyers

The International Society of Barristers.

The Consumer Attorneys Association of Los Angeles.

The Los Angeles Trial Lawyers

THOMAS V. GIRARDI

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Teaching Positions

Adjunct Professor Law, Loyola Law School.

Medical Legal law

Trial Practices

Ethics of the Trial Lawyer

[A course designed to be filmed for PBS)

Trial Exposure

I have tried over 100 jury cases to a conclusion.

The most important, 1970, Williams v. Bon Air Hospital. This case resulted in the first million-dollar verdict in a medical malpractice case in California.

Anderson v. PG&E. In two trials lasting over seven months each. Verdicts were received in the amount of \$131,000,000 for 40 plaintiffs. These verdicts caused an eventual settlement of the entire litigation for \$333,000,000.

Orozco v. Lockheed. The trial of this case lasted nine months. The jury deliberated for three months only to find themselves hung eight to four for plaintiff. The case was retried (for seven months) and verdicts were received in excess of \$10,000,000. These verdicts for the initial 25 plaintiffs caused the case to be settled for \$90,000,000.

Perrett v. Syntex. This case resulted in a \$4,000,000 verdict. The case concerned the failure of the defendant to properly calculate sodium as a needed element in newborns.

Liston v. St. Francis Hospital. This case resulted in a \$17,000,000 dollar verdict for the failure to monitor thyroid in newborns. We are informed that the potential problem has been corrected at all laboratories doing the testing.

Bienfield v. KLM. This case resulted in a \$2,000,000 verdict to the family of the B-1 Bomber chief test pilot. Changes in the cockpit evacuation system of the B-1 were changed

I have handled more than 300 settlements in the seven- and eight-figure dollar range.

THOMAS V. GIRARDI

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Class Action Experience

I have been approved by the Court to be lead counsel in numerous class action cases. The most notable is the Sempra Energy case on behalf of the rate payers of California. The matter resolved two months into trial for \$1,870,000,000.00. I personally negotiated with the Chairman of Sempra for more than seven months to arrive at the extraordinarily complex settlement.

Approximately 18 months earlier, I was lead attorney in the El Paso Natural Gas case which was also brought on behalf of rate payers in California. That case settled for \$1,500,000,000.00 after years of litigation.

In the Rent-A-Center class action case, we were able to obtain a \$67,000,000.00 settlement. Although the value of this case is much lower than many other class actions we have handled, the resolution was extraordinarily satisfying since the case settlement went to people of very modest means who had rented television sets. For some of these very nice people to get a check in the mail for \$1,000, it meant a great deal.

chool of International Relations/University of Amsterdam/The Netherlands, 1996). (Resident, Zurich, Switzerland Office). **LANGUAGES:** English and French. **Email:** aerb@ghplaw.com

M. HOYE, born Los Angeles, California, May 19, 1963; admitted to California. **Education:** University of California at Berkeley (A.B., University of Southern California (J.D., 1988). Adjunct Professor, Securities, Southwestern Law School, Spring 2001. **PRACTICE AREAS:** Law; Securities; Finance; Mergers and Acquisitions. **Email:** bhoeye@

RINE MUELLER, born Aarau, Switzerland, March 10, 1962; admitted 1992, Switzerland. **Education:** Basel University (L.I., licentiate juris, York University (M.C.J., 1995). (Resident, Zurich, Switzerland Office). **GES:** German, French and English. **PRACTICE AREAS:** Licensing; Production Agreements; Financing; Copyrights; Motion Picture Contracts; Media Law; Mediation. **Email:** cmueller@ghplaw.com

J. SHADUR, born Encino, California, July 15, 1960; admitted to bar, California; U.S. District Court, Central, Eastern and Southern Districts of California; U.S. Court of Appeals, Ninth Circuit. **Education:** Wellesley College; Yale University (J.D., 1985). Phi Beta Kappa. Durant Scholar. Guest Lecturer, University of Nice Law School, 1993. **Member:** The State Bar of California. **LANGUAGES:** French. **PRACTICE AREAS:** Business Law; Employment Law; Mediation. **Email:** eshadur@ghplaw.com

THOMAS L. SIDLE, born Wooster, Ohio, October 6, 1945; admitted to bar, California and U.S. District Court, Central District of California; 1975, U.S. Court of Appeals, Ninth Circuit; 1984, U.S. Supreme Court, U.S. Claims Court; 1985, U.S. District Court, Northern District of California. **Education:** University of California at Riverside (B.A., 1967); Yale University (J.D., 1970). Phi Beta Kappa. Editor, Yale Law Journal, 1969-1970. Lecturer: Remedies: Protecting Your Client Before Judgment," November/December 1976; "Creating and Implementing A Discovery Plan," June/July, 1975, California Continuing Education of the Bar; "Evidence and Problems of the LA Extension Program, Spring 1974, Fall 1975, Spring 1976, Fall 1977, Winter 1977, Summer 1978, Fall 1979, Summer 1980, Spring 1981, Summer 1982; "Entertainment Law Update - 1994," Beverly Hills Association Seminar, January, 1994. **Member:** Beverly Hills, Los Angeles and American (Member, Sections on: Litigation; Corporation, Banking and Finance Law) Bar Associations; State Bar of California; Association of California Lawyers. **REPORTED CASES:** Fogerty vs. Fantasy, Inc., 510 U.S. 1023 (1994); Goldberg vs. Dolly Parton, Jane Fonda, Tom Hayden, 652 (9th Cir., 1991) (Unpublished). **PRACTICE AREAS:** Civil Litigation; Business Litigation; Entertainment Law; Copyright Law; Defamation Law. **Email:** tsidle@ghplaw.com

J. SPIVEY, born Houston, Texas, January 13, 1969; admitted to bar, California. **Education:** Rice University (B.A., 1991); Yale University (J.D., 1994). Phi Beta Kappa. Omicron Delta Epsilon. Olin Foundation Fellow. Barrister-at-Law. Member, Moot Court Board. **Member:** Los Angeles County Bar Association; State Bar of California. **PRACTICE AREAS:** Entertainment Litigation. **Email:** cspivey@ghplaw.com

THOMAS H. STEINBERG, born Omaha, Nebraska, February 19, 1958; admitted to bar, 1983, California; 1984, U.S. District Court, Central District of California. **Education:** Indiana University (B.S., with highest distinction, 1980); University of California at Los Angeles (J.D., 1983). Beta Gamma Sigma. Certified Public Accountant, Illinois, 1982. **Member:** Century City, Los Angeles County Bar Associations; State Bar of California. **PRACTICE AREAS:** Accounting; Motion Picture Finance; Entertainment Finance; Real Estate; Tax. **Email:** rsteinberg@ghplaw.com

OF COUNSEL

IS W. BARMETTLER, born Lucerne, Switzerland, April 28, 1960; admitted to bar, 1986, Switzerland. **Education:** Bern University (Lic.Jur., summa cum laude, 1986). (Resident, Zurich, Switzerland Office). **LANGUAGES:** German, Spanish and Italian. **Email:** mbarmettler@ghplaw.com

Y. M. BOREN, born Stuttgart, Germany, November 14, 1947; admitted to bar, 1973, California; 1981, U.S. Supreme Court, U.S. Tax Court, U.S. District Court, Central District of California and U.S. Court of Appeals, Ninth Circuit. **Education:** University of Southern California (B.S., 1969); Loyola University of Los Angeles (J.D., 1973). Co-Author: "Form Your Own REIT," Real Estate Journal, Spring 1994. **Member:** Beverly Hills, Los Angeles County Bar Associations; The State Bar of California; American Institute of Certified Public Accountants; American Association of Attorneys-Certified Public Accountants. **PRACTICE AREAS:** Real Estate Law; Business Law. **Email:** yboren@ghplaw.com

T. E. (REG) GIPSON, born Boise, Idaho, August 31, 1946; admitted to bar, 1973, California. **Education:** Harvard University (A.B., 1967); Yale University (J.D., 1973). Managing Editor, Yale Law Journal, 1972-1973. Lecturer, University of Southern California Law Center, 1977-1978. Member, Board of Directors, National Mercantile Bancorp.; Sundance Channel; Sundance Institute. **Member:** State Bar of California. **PRACTICE AREAS:** Business Law; Tax Law; Real Estate Law; Entertainment Law; Motion Picture Finance; Business Law. **Email:** rgipson@ghplaw.com

(This Listing Continued)

G. RAYMOND F. GROSS, born Providence, Rhode Island, December 27, 1956; admitted to bar, 1981, California and U.S. District Court, Central District of California; 1982, U.S. District Court, Northern, Eastern and Southern Districts of California; 1986, U.S. Court of Appeals, Ninth Circuit. **Education:** Brown University (A.B., 1978); Columbia University (J.D., 1981). Harlan Fiske Stone Scholar. Associate Editor, Columbia Journal of Environmental Law, 1980-1981. Author: "Combating the Counterfeiter's Bankruptcy Petition," PLI, 1984. **Member:** Beverly Hills, Century City, Los Angeles County and American Bar Associations; State Bar of California. **TRANSACTIONS:** Film finance transactions for major motion pictures. Acquisition of Ed Sullivan Show library for Sofa Entertainment. Negotiation of UPN Partnership Agreement. **PRACTICE AREAS:** Entertainment Law; Motion Picture Finance; Motion Pictures and Television. **Email:** rgross@ghplaw.com

NORMAN D. SLOAN, born Los Angeles, California, 1947; admitted to bar, 1973, California, U.S. Supreme Court, U.S. Tax Court, U.S. District Court, Central District of California and U.S. Court of Appeals, Ninth Circuit. **Education:** California State University at Northridge (B.S., 1970); Loyola Law School (J.D., 1973). Co-Author: "Form Your Own REIT," Real Estate Finance Journal, Spring 1994. **Member:** Partnerships and Unincorporated Business Organizations Committee, Business Law Section, State Bar of California, 1994-1997. **Member:** Drafting Committee, "Report on Legal Opinions Concerning California Partnerships," Business Law Section of the State Bar of California, February, 1998. **Member:** Beverly Hills and Los Angeles County Bar Associations; State Bar of California. **PRACTICE AREAS:** Real Property Law; Corporate Law; Business Law. **Email:** BHLawyer@ibm.net

GIRARDI AND KEESE

Established in 1976

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General Civil and Trial Practice in all State and Federal Courts. Business Litigation, Entertainment Law, Professional Negligence, Environmental Law, Toxic Torts, Personal Injury, Automobile Accidents, Wrongful Death, Products Liability, Appellate Practice.

MEMBERS OF FIRM

THOMAS V. GIRARDI, born Denver, Colorado, June 3, 1939; admitted to bar, 1965, California. **Education:** Loyola University of Los Angeles (B.S., 1961; LL.B., 1964); New York University (LL.M., 1965; S.J.D., 1965). Listed in First Lawyers of America. Associate Professor, Loyola University Law School, 1976—. National President, American Board of Trial Advocates, 1999. **Member:** Los Angeles County, Orange County and American Bar Associations; State Bar of California; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles County; The Association of Trial Lawyers of America; International Academy of Trial Lawyers; Inner Circle of Advocates. **PRACTICE AREAS:** Professional Liability; Toxic Torts; Business Litigation; Entertainment Law Litigation.

ROBERT M. KEESE, born Milwaukee, Wisconsin, March 1, 1943; admitted to bar, 1970, California. **Education:** Loyola University (J.D., 1969). **Member:** Los Angeles County, Orange County and American Bar Associations; State Bar of California; Consumer Attorney of California; Consumer Attorneys Association of Los Angeles; American Board of Trial Advocates; The Association of Trial Lawyers of America. **PRACTICE AREAS:** Professional Liability; Toxic Torts.

JOHN A. GIRARDI, born Santa Monica, California, February 14, 1947; admitted to bar, 1972, California. **Education:** University of Notre Dame (B.A., 1969); Loyola University of Los Angeles (J.D., 1972). Phi Delta Phi. **Member:** Los Angeles Superior Court Arbitration Committee. Judge Pro Tem: Los Angeles Municipal Court; Los Angeles Superior Court. **Member:** Los Angeles County, Orange County and American Bar Associations; State Bar of California; American Board of Trial Advocates; American Board of Professional Liability Attorneys; Consumer Attorney of California; Orange County Trial Lawyers Association; Consumer Attorneys Association of Los Angeles; The Association of Trial Lawyers of America. **PRACTICE AREAS:** Civil Trials; Professional Negligence; Government Entity Negligence; Product Liability; Toxic Tort Litigation.

ROBERT W. FINNERTY, born Long Island, New York, August 12, 1955; admitted to bar, 1985, California. **Education:** University of California at Los Angeles (B.A., 1978); Pepperdine University (J.D., 1982). Phi Delta Phi. **Member:** Los Angeles County Bar Association; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; The Association of Trial Lawyers of America; American Board of Trial Advocates; Trial Lawyers for Public Justice. **PRACTICE AREAS:** Civil Litigation; Toxic Torts; General Negligence; Legal Negligence.

JAMES G. O'CALLAHAN, born Chicago, Illinois, March 8, 1956; admitted to bar, 1986, California. **Education:** University of Sussex, England; University of California at Santa Cruz (A.B., 1982); University of California at Los Angeles

(This Listing Continued)

GIRARDI AND KEESE, Los Angeles—Continued

(J.D., 1986). *Member:* Los Angeles County Bar Association; State Bar of California; Trial Lawyers for Public Justice; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; Association of Trial Lawyers of America. **PRACTICE AREAS:** Products Liability; Medical and Professional Negligence; General Negligence; Business Torts; Insurance Bad Faith; Toxic Torts.

V. ANDRE REKTE, born Long Beach, California, February 2, 1960; admitted to bar, 1987, California. *Education:* California State University, Fullerton (B.A., Biochem, 1983); Pepperdine Law School (J.D., 1986). *Member:* State Bar of California; Consumer Attorneys of California. (Resident, San Bernardino Office). **PRACTICE AREAS:** Professional Liability; Toxic Torts.

JOHN K. COURTNEY, born Torrance, California, December 27, 1962; admitted to bar, 1988, California. *Education:* Loyola Marymount University (B.A., cum laude, 1985; J.D., 1988). *Member:* State Bar of California; Trial Lawyers for Public Justice; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles. **PRACTICE AREAS:** Professional Liability; Toxic Torts; Negligence. *Email:* jcourtney@girardikeese.com

AMY FISCH SOLOMON, born Redwood City, California, January 24, 1960; admitted to bar, 1989, California; U.S. District Court, Central District of California. *Education:* California State University (B.A., cum laude, 1984); Loyola Law School (J.D., 1987). *Member:* Los Angeles County Bar Association; State Bar of California; Consumer Attorneys of California (Board of Governors); Consumer Attorneys Association of Los Angeles (Board of Governors); The Association of Trial Lawyers of America; Trial Lawyers for Public Justice. **PRACTICE AREAS:** Professional Liability; Toxic Torts; Product Liability. *Email:* asolomon@girardikeese.com

DAVID N. BIGELOW, born Alhambra, California, July 9, 1952; admitted to bar, 1995, California. *Education:* Whittier College (B.A., 1976); University of San Diego School of Law (J.D., cum laude, 1995). Order of the Barristers, 1995. *Member:* Los Angeles County and American Bar Association; State Bar of California; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; The Association of Trial Lawyers of America. **PRACTICE AREAS:** Personal Injury; Professional Liability; Toxic Torts.

CARRIE J. KOENIG, born Los Angeles, California, December 4, 1966; admitted to bar, 1994, California. *Education:* University of California at Los Angeles (B.S., 1989); Loyola Law School (J.D., 1993). *Member:* State Bar of California; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; Association of Trial Lawyers of America; Trial Lawyers for Public Justice. **PRACTICE AREAS:** Personal Injury; Professional Liability; Toxic Torts.

DAVID R. LIRA, born Blytheville, Arkansas, May 26, 1960; admitted to bar, 1988, California and U.S. District Court, Central District of California; 1989, U.S. Tax Court and U.S. Court of Appeals, Ninth Circuit; 1996, U.S. Supreme Court. *Education:* University of California at Los Angeles (B.A., 1983); Boston College (J.D., 1986). Arbitrator, Los Angeles County Superior Courts, 1991-1995. *Member:* Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles. **PRACTICE AREAS:** Civil Litigation; Personal Injury; Business Torts; Insurance Litigation; Entertainment Litigation. *Email:* dlira@girardikeese.com

JOHN ALAN ROBERTS, born Los Angeles, California, August 2, 1964; admitted to bar, 1996, California. *Education:* University of California at Los Angeles (B.A., 1987); Pepperdine University School of Law (J.D., 1996). *Member:* Los Angeles County and American Bar Associations; State Bar of California; Consumer Attorneys of California. **PRACTICE AREAS:** Civil Litigation; Toxic Torts; Personal Injury; Professional Negligence. *Email:* jroberts@girardikeese.com

AMANDA L. MCCLINTOCK, born San Jose, California, December 17, 1968; admitted to bar, 1996, California. *Education:* University of California at Berkeley (B.A., History, 1991); Santa Clara University (J.D., 1996). Phi Delta Phi. *Member:* Los Angeles County Bar Association; State Bar of California; Consumer Attorneys of California. **PRACTICE AREAS:** Civil Litigation; Toxic Tort Litigation; Professional Negligence; Insurance Bad Faith; Employee Litigation.

V. ANDRÉ SHERMAN, born San Jose, California, January 10, 1970; admitted to bar, 1998, California and U.S. District Court, Central District of California. *Education:* University of California, Los Angeles (B.A., 1992); Loyola Law School (J.D., 1997). *Member:* Los Angeles County and American Bar Associations; State Bar of California; Consumer Attorneys of California; National Bar Association. **PRACTICE AREAS:** Civil Litigation; Toxic Torts; Business Litigation; Professional Liability; Insurance Litigation; Products Liability; Entertainment Litigation. *Email:* asherman@girardikeese.com

KEITH GRIFFIN, born Los Angeles, California, April 17, 1972; admitted to bar, 1999, California. *Education:* University of California, Los Angeles (B.A., 1995); Southwestern University School of Law (J.D., 1999). *Member:* Los Angeles County and American Bar Associations; State Bar of California; Consumer Attorneys of California. **PRACTICE AREAS:** Civil Litigation; Toxic Torts; Personal Injury; Professional Negligence; Products Liability. *Email:* kgriffin@girardikeese.com

CLAUS F. MORY, born Oxnard, California, May 5, 1956; admitted to bar, 1992, California and U.S. District Court, Central District of California. *Education:*

(This Listing Continued)

University of California at Santa Barbara (B.A., 1979); Oxford University/American Graduate School of International Management (M.B.A., 1984); Loyola Marymount University (J.D., 1991). *Member:* Los Angeles and American Bar Associations; State Bar of California; Consumer Attorneys of California. **PRACTICE AREAS:** Civil Litigation; Toxic Tort Litigation; Professional Negligence; Medical Malpractice. *Email:* emory@girardikeese.com

THOMAS J. JOHNSTON, born Los Angeles, California, July 13, 1975; admitted to bar, 2000, California and U.S. District Court, Central District of California. *Education:* Loyola Marymount University (B.A., 1997); Loyola Law School (J.D., 2000). *Member:* State Bar of California; Association of Trial Lawyers of America; Consumer Attorneys Association of Los Angeles. **PRACTICE AREAS:** Civil Litigation; Business Torts; Entertainment Law; Sports Law.

VINCENT J. CARTER, born Encino, California, February 3, 1967; admitted to bar, 2000, California. *Education:* University of California at Berkeley (B.A., History, 1994); University of California, Hastings College of the Law (J.D., 2000). *Member:* State Bar of California. **PRACTICE AREAS:** Civil Litigation; Toxic Torts; Products Liability; Personal Injury. *Email:* vcarter@girardikeese.com

SHAHAM A. SHAYESTEH, born Encino, California, February 3, 1967; admitted to bar, 2000, California. *Education:* University of California, Los Angeles (B.A., 1995); Loyola Law School (J.D., 2000). Articles Editor, Loyola Law Review, 1998-2000. Author: "High-Speed Chase on the Information Superhighway: The Evolution of Criminal Liability for Internet Piracy," Loyola Law Review, 33 Loy. L.A. L. Rev. 183 (1999). *Member:* Los Angeles County and American Bar Associations; State Bar of California; Consumer Attorneys of California; Consumer Attorneys Association of Los Angeles; Federal Bar Association; Iranian-American Lawyers Association. **LANGUAGES:** Persian. **PRACTICE AREAS:** Civil Litigation; Appellate Practice. *Email:* sshayesteh@girardikeese.com

HOWARD B. MILLER, born Newark, New Jersey, July 11, 1937; admitted to bar, 1961, California. *Education:* Pepperdine University (B.A., 1957); University of Chicago (J.D., 1960). Order of the Coif. Editor-in-Chief, University of Chicago Law Review, 1959-1960. Law Clerk to Justice Roger J. Traynor, Supreme Court of California, 1960-1961. Lecturer, 1965-1966, Associate Professor, 1966-1969 and Professor of Law, 1969-1977, University of Southern California. Principal Advocate, "The Advocates," Public Broadcasting System, 1969-1973. President, Board of Education, Los Angeles Unified School District, 1977-1979. Chief Operating Officer, Los Angeles Unified School District, 1999-2000. Instructor, Emory Law School, NITA Trial Techniques Program, 1990—. *Member:* Los Angeles County and American Bar Associations; The State Bar of California; Consumer Attorneys Association of Los Angeles; Consumer Attorneys of California; American Trial Lawyers Association. **PRACTICE AREAS:** Business Litigation; Securities Litigation; Antitrust; Unfair Competition; Intellectual Property Litigation; Employment Litigation; Real Estate Litigation; Appellate Practice. *Email:* hmiller@girardikeese.com

REPRESENTATIVE CLIENTS: 642 Lockheed Employees (Plaintiffs); 432 Plaintiffs in Hanford Nuclear Waste Litigation; Mobil Oil.
REFERENCES: Wells Fargo Bank (Los Angeles Head Office); Comerica.

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FIRM PROFILE: Practice Limited to Family Law.

LAURA GITLIN-PETLAK, born Chicago, Illinois, December 10, 1957; admitted to bar, 1984, Illinois; 1988, California. *Education:* Carleton College (B.A., 1980); Loyola University (J.D., 1984). Editor and Contributor, 1982-1983 and Co-Editor-in-Chief, 1983-1984, Women's Law Reporter. Family Law Court, Judge Pro Tem, Los Angeles County Superior Court, 2002—. Family Law Mediator, Los Angeles County Superior Court ADR Program, 1998—. Arbitrator, Los Angeles County Bar Fee Dispute Program, 1996—. *Member:* Beverly Hills, Los Angeles County and American Bar Associations. (Certified Specialist, Family Law, The State Bar of California Board of Legal Specialization)

EXHIBIT C

LINGEL H. WINTERS
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EDUCATION: **UNIVERSITY OF CALIFORNIA, Berkeley, CA**
School of Law (Boalt Hall)
Juris Doctor Degree 1965

YALE UNIVERSITY, New Haven, CT
Bachelor of Arts Degree 1960

EXPERIENCE:

Aug 82 – Present	LAW OFFICES OF LINGEL H. WINTERS President, a Professional Corporation
Mar 80 – Jul 82	NATIONAL SEMICONDUCTOR CORPORATION Associate General Counsel 2900 Semiconductor Dr. Santa Clara, CA
May 72 – Feb 80	SYSTRON-DONNER CORPORATION General Counsel & Secretary One Systron Dr. Concord, CA
Dec 68 – Apr 72	KAISER AFFILIATED COMPANIES Corporate Counsel 300 Lakeside Dr. Oakland, CA
Jan 66 – Dec 68	WAGNER, LYNCH, CURRAN and MINNEY Trial Lawyer 800 Tribune Tower Oakland, CA

Lingel H. Winters received his B. A. from Yale University in 1960 and his J. D. from the University of California at Berkeley (Boalt Hall) in 1965. He is admitted to practice before the courts of California, the U. S. District Courts for the Northern and Central Districts of California, the Ninth Circuit Court of Appeals and the U. S. Supreme Court.

Mr. Winters has over 35 years of experience in litigating and managing high technology antitrust and business litigation as trial counsel and as General Counsel of Syston-Donner Corporation, adverse electronics company and as Associate General Counsel of National Semiconductor corporation, a semiconductor and computer manufacturer.

Mr. Winters is presently a member of the plaintiffs' Executive Committee, managing the California State Court Microsoft Coordination Proceedings J.C.C.P. No. 4106, Antitrust Litigation, which was certified as a class action and resulted in a settlement valued at \$1.1 Billion. In addition, Mr. Winters is a member of the executive committee of the whole in the Urethane Cases J.C.C.P. 4367 and 3M Transparent Tape Cases, J.C.C.P. 4338 Antitrust Litigation as well as plaintiff's counsel in Attridge v. Visa USA, Inc. et al., an antitrust class action in San Francisco Superior Court.

In conjunction with the Flehr, Hohbach patent firm, Mr. Winters conducted a 3.5 month patent antitrust trial in the case of *Syston-Donner Corp. v. Schlumberger Corp., et al.*, which resulted in the invalidation of two pioneer patents in the field of dual slope analog to digital converters, utilized by Schlumberger for anti-competitive purposes. He has also served as trial counsel in a number of high tech cases including *Tipton v. Information Data Systems, et al.*, involving computers and software, 99 C.A.3d 501; *Syston-Donner Corp. v. Sundstrand Data Control, Inc.* 182 U.S.P.Q.561, a patent license case involving accelerometers utilized as sensors for controlling missiles and aircraft; *National Semiconductor Corp. v. Applied Materials, Inc. et al.* and *General Instrument Corp. v. Applied Material, Inc.* involving machines for manufacturing semiconductor chips; *G. D. Searle & Co. v National Semiconductor Corp.*, involving the application of semiconductor chips to medical equipment; and *Lindberg v. Syston-Donner Corp.*, involving the fire detectors installed on Boeing 727s.

Mr. Winters was also lead counsel in the investor class action *Beermink, et al. v. Plaza Pacific Equities, Inc., et al.* in the San Francisco Superior Court and concluded a class settlement and distribution therein.

As both general counsel and trial counsel, Mr. Winters has developed hands-on expertise in applying management skills to solving business legal problems. Mr. Winters' career is evenly balanced between serving as general counsel in technology and engineering companies and the running of his own business litigation and consulting practice. In each position, Mr. Winters has managed by objective as follows:

- At **National Semiconductor Corporation**, Mr. Winters generated \$10 Million Dollars in case revenue in a 3-year period.
- At **Syston-Donner Corporation**, Mr. Winters disposed of \$35 Million Dollars of litigation at cost while generation cash to support the legal operations.
- At **Kaiser Engineers and Kaiser Aluminum**, Mr. Winters developed skills in anticipating and resolving legal problems associated with engineering and construction management.

MILITARY: Served on active duty with the Navy as a Lieutenant (j.g.), 1960-1962; responsibilities included managing an accounting office and training personnel. Honorably released to inactive duty in the Naval Reserve, July 13, 1962.

HONORS, ACTIVITIES Professional and Community Organizations

And ASSOCIATIONS: State Bar of California, American Society of Corporate Secretaries. Admitted to practice before the U. S. Supreme Court, United States Ninth Circuit Court of Appeals and United States District Court, Northern District of California and Central District of California.

Boalt Hall

Receive Best Oral Advocate Award, James Patterson McBaine Moot Court; selected to participate in honorary brief writing competition.

Yale

Four-year scholarship in Directed Studies; Yale Key; Phi Gamma Delta; Dwight Hall Council; Debating Club; United Nations Day Committee.

Mr. Winters' biography appears in **WHO'S WHO IN AMERICAN EXECUTIVES AND PROFESSIONALS**, 1993-Present.

PERSONAL DATE: Married with three children; Excellent health
Hobbies: Travel, chess, tennis, and reading.

Lingel H. Winters has litigated a variety of business and real estate cases, both as an independent practitioner and as a corporate general counsel, including as follows:

Lindberg v. Systron-Donner Corp., (acquisition litigation)
Tipton v. Information Data Systems, 99 CA.3d 50, (acquisition litigation)
Systron-Donner v. Schlumberger Ltd. et al., (patent antitrust)
Systron-Donner Corp. v. Sundstand Data Control Inc., 82 U.S.P.Q. 561 (patent and licensing)
Backus v. Plaza Pacific Equities, Inc., et al., (real estate syndication)
National Semiconductor Corp. v. Allendale Insurance Co., (business interruption)
General Instrument Corp. v. Computervision Corp., (product liability)
Delta V. v Tera Corp., (product liability)
Iman v. Firestone Tire and Rubber Co., (toxic tort)

References Available Upon Request

PROFESSIONAL BIOGRAPHIES

CALIFORNIA—SAN FRANCISCO

cum laude, 1995); Hastings College of the Law (J.D., 2001). Editor, *Hastings Women's Law Journal*, 2001. Extern, Honorable Thelton E. Henderson, U.S. Court, Northern District, California, 2000. **Email:** ml liberty@wsnaw.com

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Business, Tax Planning, Estate and Gift Taxation, Business Planning, Venture Capital and Business Transactions.

HENRY P. WINETSKY, born Elizabeth, New Jersey, May 1, 1939; admitted 1964, New York; 1969, U.S. Tax Court; 1978, California. **Education:** University (B.S., 1960); Brooklyn Law School (LL.B., 1963). Certified Accountant, California, 1979. Co-author: "Selected Accounting Problems in Contracts for Sale of a Business," *California Business Law Practitioner*, 1993. Of Counsel: Sanger & Olson; Haas & Najarian. **Member:** State Bar of California (Member, Tax Section); New York State (Member, Tax Section) and San Francisco (Member, Tax Section) Bar Associations; California Society of Certified Accountants (Member, Tax Section). **PRACTICE AREAS:** Tax Law; Business Transactions Law; Corporate Tax Law; Emerging Business Law; Taxation; International Tax; Trusts and Estates Taxation; Partnership Law; Low Income Housing Tax Credits; Nonprofit Corporations Law.

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Personal Injury, Products Liability, Labor and Employment Law, Real Estate, Rights, Discrimination, Wrongful Termination, Commercial Litigation, Real Estate.

BENJAMIN R. WINSLOW, born San Francisco, California, May 22, 1943; admitted to bar, 1972, California, U.S. Court of Appeals, Ninth Circuit and U.S. District Court, Northern District of California. **Education:** San Francisco State University (B.A., 1965); Hastings College of Law, University of California (J.D., 1966). Pi Sigma Alpha. Licensed Real Estate Broker, California, 1989-1991. Adjunct Faculty, Legal Research, Hastings College of Law, University of California, 1974-1979. Instructor, Community Property, Criminal Procedure, Trial Advocacy, Lincoln Law School, 1978-1982. **Member:** San Francisco Board of Realtors, 1991. **Member:** Bar Association of San Francisco; Marin County Bar Association; State Bar of California; Consumer Attorneys of California. [1st Lt., U.S. Army, 1966-1969]. **REPORTED CASES:** *People v. Antick*, 15 Cal. 3d 79, 123 Cal. 475, 1975. **PRACTICE AREAS:** Complex Litigation; Products Liability; Wrongful Termination; Commercial Litigation; Real Estate.

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ANDY LAUREN ROSS, born Miami, Florida, March 28, 1956; admitted to bar, 1981, California. **Education:** Pitzer College of the Claremont Colleges (B.A., 1978).

(This Listing Continued)

1978); University of Santa Clara (J.D., 1981). Certified Family Law Specialist. Commissioner Pro Tem, San Francisco Superior Court, Settlement Judge Pro Tem, San Francisco and Marin County. Chair, Family Law Executive Committee for the Bar Association of San Francisco, 1996-1997. Member, Conference of Delegates, Executive Committee for the Bar Association of San Francisco, 1997-1999. **Member:** Bar Association of San Francisco; State Bar of California. **PRACTICE AREAS:** Family Law. **Email:** winterross@aol.com

ASSOCIATES

LISA C. TARR, born El Paso, Texas, March 8, 1967; admitted to bar, 1994, California. **Education:** University of California, Santa Cruz (B.A., 1989); Golden Gate University (J.D., 1993). **PRACTICE AREAS:** Family Law.

JENNIFER CRUM, born Philadelphia, Pennsylvania, January 4, 1967; admitted to bar, 1996, California. **Education:** University of California, Berkeley (B.A., 1988); University of San Francisco (J.D., 1996). **Member:** Bar Association of San Francisco (Member, Sections on: Family Law; Mediation); State Bar of California. **PRACTICE AREAS:** Family Law; Civil Litigation; Appellate Practice.

FIONA HUANG ANDERSON, born Canada, May 18, 1971; admitted to bar, 1998, California; 1999, District of Columbia. **Education:** University of California at Berkeley (B.A., summa cum laude, 1993); Harvard University (J.D., cum laude, 1997). Phi Beta Kappa; Omicron Delta Epsilon. Recipient: Derek Bok Certificate of Distinction, 1996, 1997. Teaching Fellow, Economics, Harvard College, 1994-1997. Co-Author: "Maximum Resale Price Maintenance Under the Cartwright Act," Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Vol. 8, No. 1 (Spring 1999). **Member:** State Bar of California; District of Columbia Bar.

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FIRM PROFILE: Complex Business Litigation including class actions.

LINGEL H. WINTERS, born Ashland, Kentucky, May 15, 1938; admitted to bar, 1966, California and U.S. Court of Appeals, Ninth Circuit, U.S. District Court, Northern District of California; 1988, U.S. District Court, Central District of California; 1996, U.S. Supreme Court. **Education:** Yale University (B.A., 1960); Boalt Hall School of Law, University of California (J.D., 1965). **Member:** California Plaintiffs' Executive Committee, In Re Microsoft Class Action Antitrust Litigation J.C.C.P. No. 4106 resulting in a settlement valued at \$1.1 billion; Lead Counsel, Plaza Pacific Equities Class Action, San Francisco Superior Court. Honored Member National Directory of Who's Who, 1998-2002. General Counsel and Secretary, Syston-Donner Corporation, Concord, California, 1972-1980. Associate General Counsel, National Semiconductor Corporation, Santa Clara, California, 1980-1982. **Member:** State Bar of California. **REPORTED CASES:** National Semiconductor Corp. v. Allendale Mut. Ins. Co. 1549 F.Supp. 1195 (D.Conn. 1982); Tipton vs. Information Data Systems (1979) 99 Cal.3d 501; Syston-Donner Corp. vs. Sundstrand Data Control, Inc. (1974) 182 U.S.P.Q. 561 (1974); Member California Plaintiff's Executive Committee In Re Microsoft Antitrust Litigation J.C.C.P. No. 4106; Lead Counsel Plaza Pacific Equities, Inc. Class Action (Alameda County Superior Court).

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CHARLES J. WISCH, born Chicago, Illinois, June 6, 1950; admitted to bar, 1975, California; U.S. Supreme Court, U.S. Court of Appeals, Fifth and Ninth Circuits; U.S. District Court, Northern, Southern, Eastern and Central Districts of California. **Education:** Washington University (A.B., cum laude, 1972); University of California at Los Angeles (J.D., 1975). **Member:** UCLA Law Review, 1973-1975. Research Attorney to the Honorable Winslow Christian, California Court of Appeal, First Appellate District, 1975-1976. Faculty: ABA Second Annual Sexual Harassment Institute, 1997; ABA Third Annual Sexual Harassment Institute, 1998. **Member:** Bar Association of San Francisco (Member, Committee on Arbitration of Fee Disputes, 1981-); State Bar of California (Sections on: Litigation; Labor and Employment); National Employment Lawyers Association; San Francisco Trial Lawyers Association; Marin Trial Lawyers Association. **REPORTED CASES:** *Illingworth v. State Board of Control*, 161 Cal.App.3d 274 (1984); *Simmons Oil*

(This Listing Continued)